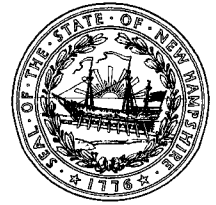




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-013**

February 15, 2006

David Lauze  
10 Windover Ln  
Merrimack, NH 03054

RE: DES Wetlands File #2004-03088 135 Highland Ave, Nottingham

Dear Mr. Lauze:

On November 29, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Nottingham Tax Map 67 as Lot 17 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection and following further file review these deficiencies were documented:

1. A jurisdictional wetland documented on the approved septic plan, NHDES Subsurface file #CA2004068665, was filled in and the hydrology directed through a culvert without a permit from the NHDES Wetlands Bureau (see copy of area of concern enclosed).
2. The banks and fill slopes immediately adjacent to the patio and retaining walls on the lakeside of the property were unstable.
3. The berm located along the north side (adjacent to lot 18) of the property extending from Highland Ave. towards the shoreline was unstable.

In response, you are requested to take the following actions:

1. **Within 30 days** properly stabilize the banks and fill slopes immediately adjacent to the patio and retaining walls as well as the berm located on the north side of the property. Submit photos to DES documenting compliance within 10 days following completion of stabilization.
2. **Within 30 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the jurisdictional wetlands and final stabilization of all exposed soils on the Property. Be advised the need for filling wetlands is to provide access, which was not required to construct the home, septic and driveway for this lot. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland boundaries; and
    2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

- 3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
- 4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
DES Water Division  
50 International Drive  
Suite 200  
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or via email at: [dprice@des.state.nh.us](mailto:dprice@des.state.nh.us)

Sincerely,

 **COPY**

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2490 9534

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Nottingham Conservation Commission  
Nottingham Board of Selectmen  
USACOE  
David Price, DES Wetlands Bureau